

**TOWN OF NEWTON, NH**  
**Anti-Harassment/Discrimination Policy**  
*(Adopted September 7, 2004)*

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**Policy**

- It is the policy of the Town of Newton to provide a harassment, sexual harassment, and discrimination free work environment for its employees and applicants for employment.

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**Purpose**

- The Town of Newton has developed this policy to familiarize employees with applicable legal guidelines, and to afford those who believe they are victims of harassment, sexual harassment, or discrimination a procedure for formal statutory remedies. This includes filing a complaint with the Town of Newton administration, courts of law on a state and/or federal level, as well as informal procedures that are geared to make the employee aware of the problem and provide them with an opportunity to remedy the situation.

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**Equal Opportunity Employer**

- It is the policy of the Town of Newton to provide equal employment opportunities to applicants and employees without regard to race, color, national origin, citizenship, religion, sexual orientation, gender, age, marital status or disability (mental or physical).

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**Sexual Harassment/Discrimination Prohibited**

- It is the policy of the Town of Newton to provide all of its employees with a work environment that is as free as possible from all forms of unlawful discrimination including, but not limited to, sexual harassment. We seek to maintain a cordial, professional workplace where the dignity and respect of individuals is promoted and protected. The Town of Newton will not tolerate sexual harassment or any other form of unlawful discrimination of or by any employee(s), local elected or appointed officials, citizens, vendors, or consultants. Violations may result in disciplinary action up to and including discharge.
- Please note that while this policy sets forth goals of promoting a workplace that is free of sexual or other illegal harassment, or other forms of illegal discrimination, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct that is deemed unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or discrimination.

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**Definitions**

- *Illegal discrimination* may include, but is not limited to, jokes, offensive behavior, inequitable treatment, retaliation, or unfair employment practices (e.g. hiring, advancement, discipline, or firing) on the basis of the employee's or applicant's age, gender, national origin, color, religion, disability, marital status or sexual orientation.
- *Harassment* includes verbal abuse, ridicule, derision or insults directed at or about persons on the basis of their age, race, color, gender, religion, national origin, marital status, disability or veteran status, and the display or circulation of materials and pictures which degrade or offend persons on the basis of any of these factors.
- *Sexual Harassment* is a form of illegal sex discrimination. Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex when:
  - Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of the individual's employment; or
  - Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
  - The conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- Sexual harassment refers to behavior that is unwelcome, that is personally offensive, that fails to respect the rights of others, that lowers moral and interferes with work effectiveness. Sexual harassment may be overt or subtle. It can include inappropriate behavior towards members of the public, citizen behavior toward employees, off-the-job-behavior (if job relationships or duties are involved or affected) and same-sex harassment. It is important to note that some behavior, which may be appropriate in a social setting, may not be appropriate in the workplace.

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**Definitions**  
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- By way of illustration only, some examples of conduct, which under certain circumstances could constitute sexual harassment in the workplace, would include but are not necessary limited to the following:
  - Sexual comments, attempts at humor or innuendoes of a provocative or suggestive nature;
  - Leaving sexually explicit books, magazines, or photographs in the workplace;
  - Unwelcome demeaning comments, ridicule, offensive language, propositions or other similar actions;
  - Unwanted, unwarranted, unsolicited off-duty telephone calls and contact
  - Hiring or promoting an employee in exchange for sexual favors or transferring, demoting or dismissing employees who refuse such sexual advances.
- Sexual harassment does not refer to behavior or occasional compliments of a socially accepted nature such as but not limited to: a friendly smile; complimenting a persons work; making social invitations; asking for a date or other behavior not inherently offensive or sexist; so long as it is not repeated after a person has made it clear that it is unwelcome.
- The making of a deliberate, untruthful accusation of harassment is very damaging and is likewise considered a serious offense. Any person who files a false accusation of harassment will be subject to serious disciplinary action up to and/or including termination.

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## **Procedure**

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### **Town's Responsibility**

Each department head and supervisor shall be responsible for preventing acts of harassment or discrimination of any kind. The responsibilities include;

- Monitoring the work environment on a daily basis for signs that harassment/discrimination may be occurring;
- Counseling all employees in the types of prohibited behavior, and all the policies and procedures for reporting and resolving complaints of harassment/discrimination;
- Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
- Taking immediate action to limit the contact between two employees where there has been a complaint, pending investigation;
- Assisting any employee who comes to them with a complaint of harassment/discrimination, pending investigation.

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### **Employees Responsibilities**

- Each employee of the town of Newton is responsible for assisting in the prevention of harassment/discrimination through the following steps:
  - Refraining from the participation in, or encouragement of, actions that could be perceived as harassment/discrimination.
  - Reporting acts of harassment/discrimination to a supervisor according to the Town of Newton's complaint procedure.

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**Complaint  
Procedure**

- Any employee who believes that s/he is being harassed/discriminated against shall report the incident(s) either orally or in writing to his/her department head as soon as possible so that steps can be taken to protect that employee from further discrimination. In the event that it is not practical to report the incident(s) to the department heads, (such as where the department head is unavailable or where the allegations of misconduct involve the department head), the employee may instead report the incident(s) to the Town Administrator. If the allegations involve the Town Administrator, the complainant should without delay file the complaint with the Chair of the Board of Selectman. When reporting an incident, a complainant will be required to provide specific details of the alleged misconduct.
- All complaints will be promptly, thoroughly and impartially investigated. If the allegations are verified to be true, prompt and appropriate corrective action will be taken. The parties involved will be informed of the outcome of the investigation.
- To the fullest extent possible, the Town will keep the complaint, the terms of resolution, and information obtained during the course of its investigation confidential. All employees are expected to be truthful, cooperative, and forthcoming in connection with a complaint investigation. Any unwanted publicizing or gossiping about a complaint or investigation will itself be considered a violation of this policy.
- In addition to the above, if you believe you have been subjected to harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit you from filing a complaint with these agencies.
  - U.S. Equal Employment Opportunity Commission (EEOC)  
1 Congress Street, 10<sup>th</sup> Floor  
Boston, MA 02114  
Phone: (617) 565-3200  
TTY: (617) 565-3204

*(The Boston, MA Office of the EEOC has jurisdiction over federally filed employment discrimination charges for NH)*

*Anti-Harassment/Discrimination Policy, Continued*

**Complaint  
Procedure**  
(continued)

- NH Commission for Human Rights  
2 Chanell Drive  
Concord, NH 03301-8501  
Phone: (603) 271-2767  
TTY: (603) 271-6339
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**Retaliation  
Prohibited**

- The Town strictly prohibits retaliation against anyone who has reported or assisted in the investigation of a complaint of sexual harassment or any other form of illegal discrimination. Retaliation, in and of itself is a form of illegal discrimination and is subject to disciplinary action up to and including termination.
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